

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel E. Rose (Reg. No. 63,214) on May 24<sup>th</sup>, 2010.

The application has been amended as follows: (Claims 22, 26,-27, 33, 36-37, and 43 were amended and Claims 23 and 34 were canceled):

#### **The Claims:**

1-21. (Canceled)

22. (Currently Amended) A method executed by an interface unit for putting a client on hold, the method comprising:

- (a) intercepting, by an interface unit, a request from a client to access a requested server;
- (b) determining, by the interface unit, that a ~~current~~ response time of the requested server exceeds a threshold by calculating an estimated future response time based on (i) a weighted average of a previous measured response time and a current measured response time, and (ii) a correction factor proportional to the difference between a previously calculated estimated response time and a corresponding previously measured response time;
- (c) putting the client on-hold, by the interface unit, in response to the determination that the ~~current~~ response time exceeds the threshold;

(d) establishing, by the interface unit, a waiting time for the client; and

(e) transmitting, by the interface unit, an on-hold request to an on-hold server based upon the waiting time.

23. (Canceled)

24. (Previously Presented) The method of claim 22, wherein step (b) comprises evaluating, by the interface unit, if the determined response time exceeds a guaranteed client-server response time established by the requested server.

25. (Previously Presented) The method of claim 22, wherein step (d) comprises determining, by the interface unit, an approximate waiting time for the client based upon the estimated current response time of the requested server.

26. (Currently Amended) The method of claim 22, wherein step (d) comprises delegating, by the interface unit, establishment of the waiting time to an executable code on an on-hold page provided to the client, the executable code corrects the waiting time based upon a round trip time and a response time provided by the interface unit.

27. (Currently Amended) The method of claim 22, wherein step (d) comprises providing, by the interface unit, an executable code to the client, the executable code receives a preferred wait time or on-hold preference from a user of the client.

28. (Previously Presented) The method of claim 22, wherein step (c) comprises selecting, by the interface unit, the on-hold server from a plurality of on-hold servers based upon the waiting time or an on-hold preference,

29. (Previously Presented) The method of claim 22, wherein step (c) comprises generating, by the interface unit, an on-hold request for a web page of the on-hold server.

30. (Previously Presented) The method of claim 22, wherein step (c) comprises identifying a web page from a plurality of web pages, each of the plurality of web pages providing different content according to different wait times.

31. (Previously Presented) The method of claim 22 further comprising maintaining, by the interface unit, the client on hold until the response time of the requested server is less than a desired response time specified by a user of the client.

32. (Previously Presented) The method of claim 22 further comprising:

receiving, by the interface unit, an indication that the user of the client is finished with the on-hold server; and

taking the client off on-hold.

33. (Currently Amended) A system for putting a client on hold, the system comprising:

an interface unit intercepting a request from a client to access a requested server,  
determining that a ~~current~~ response time of the requested server exceeds a threshold by calculating an estimated future response time based on (i) a weighted average of a previous measured response time and a current measured response time, and (ii) a correction factor proportional to the difference between a previously calculated estimated response time and a corresponding previously measured response time, and

putting the client on-hold in response to the determination that the ~~current~~ response time exceeds the threshold, wherein

the interface unit establishes a waiting time for the client and transmits an on-hold request to an on-hold server based upon the waiting time.

34. (Canceled)

35. (Previously Presented) The system of claim 33, wherein the interface unit determines an approximate waiting time for the client based upon the estimated current response time of the requested server.

36. (Currently Amended) The system of claim 33, wherein the interface unit delegates establishment of the waiting time to an executable code on an on-hold page provided to the client, the executable code corrects the waiting provided by the interface unit.

37. (Currently Amended) The system of claim 33, wherein the interface unit provides an executable code to the client, the executable code receives a preferred wait time or on-hold preference from a user of the client.

38. (Previously Presented) The system of claim 33, wherein the interface unit selects the on-hold server from a plurality of on-hold servers based upon the waiting time or an on-hold preference.

39. (Previously Presented) The system of claim 33, wherein the interface unit generates an on-hold request for a web page of the on-hold server.

40. (Previously Presented) The system of claim 33, wherein the interface unit identifies a web page from a plurality of web pages, each of the plurality of web pages providing different content according to different wait times.

41. (Previously Presented) The system of claim 33 wherein the interface unit further maintains the client on hold until the response time of the requested server is less than a desired response time specified by a user of the client.

42. (Previously Presented) The system of claim 33 wherein the interface unit further receives an indication that the user of the client is finished with the on-hold server, and takes the client off on-hold.

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43. (Currently Amended) A computer usable storage device having computer readable program code means embodied therein ~~method executed by an interface unit~~ for putting a client on hold, ~~the method~~ comprising:

(a) means for intercepting, ~~by the interface unit~~, a request from a client to access a requested server;

(b) means for determining, ~~by the interface unit~~, that a response time of the requested server exceeds a threshold by calculating an estimated future response time based on (i) a weighted average of a previous measured response time and a current measured response time, plus (ii) a correction factor proportional to the difference between a previously calculated estimated response time and a corresponding previously measured response time;

(c) means for putting the client on-hold, ~~by the interface unit~~, in response to the determination that the current response time exceeds the threshold;

(d) means for establishing, ~~by the interface unit~~, a waiting time for the client; and

(e) means for transmitting, ~~by the interface unit~~, an on-hold request to an on-hold server based upon the waiting time.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The main reason for allowance in conjunction with all the other limitation is a method executed by an interface unit for putting a client on hold, the method comprising:

- (a) intercepting, by an interface unit, a request from a client to access a requested server;
- (b) determining, by the interface unit, that a response time of the requested server exceeds a threshold by calculating an estimated future response time based on (i) a weighted average of a previous measured response time and a current measured response time, and (ii) a correction factor proportional to the difference between a previously calculated estimated, response time and a corresponding previously measured response time;
- (c) putting the client on-hold, by the interface unit, in response to the determination that the response time exceeds the threshold;
- (d) establishing, by the interface unit, a waiting time for the client; and
- (e) transmitting, by the interface unit, an on-hold request to an on-hold server based upon the waiting time.

The allowable subject matter is by calculating an estimated future response time based on (i) a weighted average of a previous measured response time and a current measured response time, and (ii) a correction factor proportional to the difference between a previously calculated estimated, response time and a corresponding previously measured response time.

The prior art did not teach nor was it obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art to calculating an estimated future response time based on (i) a weighted average of a previous measured response time and a current measured response time, and (ii) a correction factor proportional to the difference between a previously calculated estimated, response time and a corresponding previously measured response time.

Furthermore, the claims are tied to the interface unit which is defined as “*an intelligent network interface card,*” therefore the claims are directed to purely hardware.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Tran whose telephone number is (571) 270-5638. The examiner can normally be reached on 9:00am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D. Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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